

REMARKS**I. General**

Claims 1-27 are pending in the present application. Applicant notes with appreciation that claims 1-20 stand allowed.

Claims 21-27 stand rejected under 35 U.S.C. § 102. Applicant respectfully traverses the rejections of record.

II. The 35 U.S.C. § 102 Rejections

Claims 21-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Bodo* et al., United States patent number 6,122,239 (hereinafter *Bodo*). However, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that in addition to *Bodo* not teaching every element of the claims, *Bodo* does not show the identical invention in as complete detail as is contained in the claims.

Claim 21 recites “a file structure including directories . . . designated to contain only telephony recordings of telephone conversations” and “a controller . . . that recovers storage capacity in said storage unit by deleting an entire one of said directories” In rejecting the file structure directory aspect of the claim, the Examiner relies upon *Bodo* teaching a directory structure for archival optical-recording media, see the Office Action at page 2, and *Bodo* at column 12, lines 32-35. However, in rejecting the recovering storage capacity aspect of the claim, the Examiner relies upon *Bodo* teaching recovering space on a hard disk, see the Office Action at page 2, and *Bodo* at column 14, lines 1-4. Accordingly, neither *Bodo* nor the rejection of record show a controller recovering storage capacity in a storage unit using a file structure directory containing only telephony recordings. The directory of *Bodo* relied upon by the Examiner is associated with the archival optical-recording media whereas the storage unit for which storage capacity is recovered is the hard disk which is unrelated to the

directory. Accordingly, the limitations of claim 21 are not anticipated under 35 U.S.C. § 102 by *Bodo*.

Moreover, even if one were to ignore the above identified distinction regarding the directory of *Bodo* being unrelated to the hard disk for which storage capacity is recovered, the disclosure of *Bodo* is insufficient to meet the claims under 35 U.S.C. § 102. Claim 21 expressly recites “each of said directories designated to contain only telephony recordings of telephone conversations created during particular periods of time” The rejection of record relies upon the disclosure of *Bodo* appearing at column 12, lines 28-62, to meet this aspect of the claims, see the Office Action at page 2. However, the identified portion of *Bodo* teaches directories for each input channel, see column 12, lines 32-35 and 50-60, and does not teach or suggest each of the directories designated to contain only telephony recordings of telephone conversations created during particular periods of time. Accordingly, the claim is improperly rejected over *Bodo* under 35 U.S.C. § 102.

Claim 21 further recites “a controller . . . that recovers storage capacity in said storage unit by deleting an entire one of said directories based on said particular periods of time” (emphasis added). In contrast to the foregoing, *Bodo* teaches only that “the CPU may be enabled to recover space on the hard disk 56 for recording future telephone conversations by deleting files which contain the oldest recorded telephone conversations,” column 14, lines 1-4 (emphasis added). There is nothing in the disclosure of *Bodo* to teach deleting an entire one of the directories, nor has the Examiner shown otherwise. Clearly the applied art does not show the identical invention in as complete detail as is contained in the claims. Accordingly, the rejection of record is improper under 35 U.S.C. § 102.

Dependent claims 22-27 depend from independent claim 21, and thus incorporate the limitations thereof. Accordingly, claims 22-27 are asserted to be patentable over *Bodo* at least for the reasons set forth above.

III. Summary

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is

respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 69684/P042US from which the undersigned is authorized to draw.

Dated: November 22, 2005

Respectfully submitted,

By R.R., V.

R. Ross Viguet

Registration No.: 42,203

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-8185

(214) 855-8200 (Fax)

Attorney for Applicant